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10 UNITED STATES DISTRICT COURT  
11 EASTERN DISTRICT OF CALIFORNIA  
12 FRESNO DIVISION  
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14 SHEILA NKEM,  
15 Plaintiff,  
16 v.  
17 KILOLO KIJAKAZI,  
Acting Commissioner of Social Security,  
18 Defendant.<sup>1</sup>  
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No. 1:20-cv-00416-EPG

STIPULATION AND ORDER TO REMAND  
PURSUANT TO SENTENCE FOUR OF 42  
U.S.C. § 405(g)

21 The parties stipulate, subject to the approval of the Court, that this action shall be  
22 remanded to the Commissioner of Social Security pursuant to section 205(g) of the Social  
23 Security Act, as amended, 42 U.S.C. § 405(g), sentence four. Upon remand, the Appeals Council  
24 will remand the case to an administrative law judge for a new hearing and a new decision. The  
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26 <sup>1</sup> Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant  
27 to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi should be substituted,  
28 therefore, for Andrew Saul as the defendant in this suit. No further action need be taken to  
continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42  
U.S.C. § 405(g).

parties further stipulate that the clerk shall enter judgment in favor of Plaintiff and against Defendant.

Respectfully submitted,

DATE: February 4, 2022

s/ Jonathan Pena  
JONATHAN PENA  
Attorney for Plaintiff  
(authorized via email)

PHILLIP A. TALBERT  
United States Attorney

DATE: February 4, 2022

By s/ Daniel P. Talbert  
DANIEL P. TALBERT  
Special Assistant United States Attorney

Attorneys for Defendant

**ORDER**

Based upon the parties' stipulation (ECF No. 27), IT IS HEREBY ORDERED that the above-captioned action is remanded to the Commissioner of Social Security for further proceedings consistent with the terms of the stipulation. The Clerk of the Court is directed to enter a judgment in favor of Plaintiff and against Defendant.

IT IS SO ORDERED.

Dated: **February 7, 2022**

/s/ Eric P. Gray  
UNITED STATES MAGISTRATE JUDGE

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